

REMARKS

Claims 11, 21 and 28 have been amended. Claims 11, 14-21, and 24-30 remain for further consideration. No new matter has been added.

The objections and rejections shall be taken up in the order presented in the Official Action.

1-12. Claims 11, 14, 18 and 20 currently stand rejected as allegedly being obvious in view of U.S. Pat. No. 6,771,663 to Jha (hereinafter “Jha”).

Claim 11

Amended claim 11 recites a data telegram for transmitting data within a host network having a standard for the transmission of the data within the host network. The data telegram includes:

“a data section having a pair of regions, a first region in the pair of regions containing data formatted in a first instance in accordance with an extraneous standard that is different than the host network standard, the first region containing data formatted in a second instance in accordance with the host network standard; and

a header section that contains information specifying that the data within the data section are formatted in the first instance according to the extraneous standard and specifying that the data within the data section are formatted in the second instance according to the host network standard, where a second region in the pair of regions in the data section contains header information in the first instance associated with the extraneous standard specified by the information in the header section and in the second instance associated with the host network standard specified by the information in the header section, where a telegram identification portion of the header section that specifies an identification of data associated with the host network standard when the data in the first region of the data section is formatted in accordance with the host network standard in the second instance contains an identification of data associated with the extraneous standard in the first instance in place of the identification of data associated with the host network standard in the second instance, and where a telegram length portion of the header section that specifies a length of the data associated with the host network standard when the data in the first region of the data section is

formatted in accordance with the host network standard in the second instance no longer specifies the length of the data associated with the host network standard when the data in the first region of the data section is formatted in accordance with the extraneous standard in the first instance.” (claim 11, emphasis added)

Upon a fair and proper reading, Jha fails to disclose the features of amended claim 11 where both the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of an extraneous standard in a first instance or of a host network standard in a second instance. Jha fails to disclose a “host” data standard, which necessarily leads to a failure to disclose the features of amended claim 11 noted above. Instead, Jha discloses a SONET network and its typical intended purpose for use with telephony, together with the problems associated with attempts to adapt the SONET network specifically for something other than telephony – i.e., for data transmission purposes. (Col. 1, line 23 to col. 5, line 41). In an attempt to solve these problems, Jha discloses a hybrid data transport (HDT) protocol for use with a SONET network. (Col. 6, line 56 to Col. 7, line 2). The remainder of Jha’s specification discloses the HDT protocol in detail. (Col. 7, line 3 to Col. 14, line 66). Significantly, however, is that nowhere in this disclosure is there any teaching or suggestion of a host network standard along with an extraneous standard in two separate instances. All of the various network standards disclosed in Jha (e.g., POS, ATM, PDH, etc.) are data standards extraneous to the typical telephony information (i.e., “standard”) transmitted within a SONET network. Even the disclosure in col. 11, lines 26-37, along with the accompanying illustration in FIG. 11, fail to disclose or suggest a host standard. Instead, that disclosure determines if either an HDT data frame is presently being transmitted on the SONET network or if one of some other data types (e.g., POS, ATM or PDH) is presently being transmitted on the SONET network.

Thus, Jha fails to disclose the features of amended claim 11 where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of an extraneous standard in a first instance or of a host network standard in a second instance. As a result, it is submitted that the obviousness rejection of claim 11, together with its dependent claims 14, 18 and 20, is moot and should be removed, and that amended claim 11, together with claims 14, 18 and 20, are in condition for allowance and should be passed to issuance.

13-17. Claims 15 and 16 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in Jha and the MOST Specification Framework Rev. 1.1 (hereinafter “the MOST Spec”).

Claims 15 and 16 each depends directly from claim 11, which is patentable for at least the reasons set forth above.

18-26. Claims 17 and 18 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in Jha and U.S. Pat. No. 6,172,980 to Flanders (hereinafter “Flanders”).

Claims 17 and 18 each depends directly from claim 11, which is patentable for at least the reasons set forth above.

27-36. Claims 21, 24-26 and 28-30 currently stand rejected for allegedly being obvious in view of the combined subject matter disclosed in the MOST Spec and Jha.

Claim 21

Amended claim 21 recites a data telegram for transmitting data within a Media Oriented Systems Transport (MOST) network having a MOST standard that defines the transmission of data within the MOST network. The data telegram includes:

“a data section having a pair of regions, a first region in the pair of regions containing data formatted in a first instance in accordance with an extraneous standard that is different than the MOST standard, the first region containing data formatted in a second instance in accordance with the MOST standard; and

a header section having a plurality of bytes, a predetermined region of the header section having information specifying that the data section is formatted in the first instance according to the extraneous standard and specifying that the data within the data section are formatted in the second instance according to the MOST standard, where a second region in the pair of regions in the data section contains header information in the first instance associated with the extraneous standard specified by the information in the header section and in the second instance associated with the MOST standard specified by the information in the header section, where a telegram identification portion of the header section that specifies an identification of data associated with the MOST standard when the data in the first region of the data section is formatted in accordance with the MOST standard in the second instance contains an identification of data associated with the extraneous standard in the first instance in place of the identification of data associated with the MOST standard in the second instance, and where a telegram length portion of the header section that specifies a length of the data associated with the MOST standard when the data in the first region of the data section is formatted in accordance with the MOST standard in the second instance no longer specifies the length of the data associated with the MOST standard when the data in the first region of the data section is formatted in accordance with the extraneous standard in the first instance.” (claim 21, emphasis added)

The Official Action contends that the MOST Spec discloses “*a data telegram comprising a data section containing data formatted in accordance with a prescribable extraneous standard that is different than the MOST standard [section 2.5 | sections 5, 6.7, 6.8. (1-4) where: the MOST*

standard is compatible with a number of different protocols, the packets of which are transported to the various nodes using the MOST standard].” (Official Action, pg. 10). The Official Action recognizes that the MOST Spec “*does not explicitly disclose that the header section has a predetermined region of which contains information specifying that the data section is formatted according to the extraneous standard, that the data section has a pair of regions, or that the header section contains a telegram identification portion and a telegram length portion.*” (Official Action, pg. 11). The Official Action then contends that Jha discloses certain features not disclosed in the MOST Spec. (Official Action, pg. 11).

Upon a fair and proper reading, the MOST Spec fails to disclose with any specificity the claimed features of amended claim 21 of where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of the host network standard in one instance or of an extraneous standard in another instance. Instead, the cited sections of the MOST Spec merely disclose the broad and vague concept that “[a] MOST network can be used in conjunction with a number of different protocols.” (MOST Spec, pg. 12 – Section 2.5) without disclosing any detailed structure or methodology on how this is accomplished. An additional cited section, Section 5, of the MOST Spec further fails to disclose with any specificity how the different protocols are utilized. In fact, as noted above, the Official Action correctly contends that “*the packets of which are transported to the various nodes using the MOST standard.*” A fair and proper interpretation of this disclosure is that the various protocols are nevertheless formatted according to the MOST Spec and not of some extraneous specification, since they are admitted to be transmitted by the MOST standard.

Further, similar to the discussion above with respect to amended claim 11, upon a fair and proper reading, Jha fails to disclose the feature of amended claim 21 where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of an extraneous standard in a first instance or of the MOST standard in a second instance. More specifically, Jha fails to disclose a “host” data standard. Instead, Jha discloses a SONET network and its typical intended purpose for use with telephony together with the difficulties associated with attempts to adapt the SONET network specifically for something other than telephony – i.e., for data transmission purposes. (Col. 1, line 23 to Col. 5, line 41). In an attempt to solve these difficulties, Jha proposes a hybrid data transport (HDT) data protocol for use with a SONET network. (Col. 6, line 56 to Col. 7, line 2). The remainder of the specification of Jha discloses the HDT protocol in detail. (Col. 7, line 3 to Col. 14, line 66). However, nowhere in this disclosure is there teaching or suggestion of a host network standard along with an extraneous standard in two separate instances. The various network standards disclosed in Jha (e.g., POS, ATM, PDH, etc.) are standards extraneous to the typical non-data telephony information transmitted within a SONET network. Even the disclosure at col. 11, lines 26-37 and the accompanying illustration in FIG. 11 fails to disclose or suggest a host standard. Instead, the disclosure there determines if either an HDT data frame is presently being transmitted on the SONET network or if one of other data types (e.g., POS, ATM or PDH) is presently being transmitted on the SONET network. Thus, Jha fails to disclose the features of amended claim 21 where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of the host network standard in one instance or of an extraneous standard in another instance.

In light of the foregoing, it is respectfully submitted that the MOST Spec and Jha are not properly combinable to render amended claim 21 obvious. However, assuming for the moment that the MOST Spec and Jha are properly combinable, without admitting as much, even if the references were combined as alleged in the Official Action, the resultant combination still fails to disclose various features of amended claim 21 discussed above, including, the features of where the data section and the header section of the data telegram contain information that differs depending on whether the formatting of these two sections is of the host network standard in one instance or of an extraneous standard in another instance.

As a result, it is submitted that the obviousness rejection of claim 21, together with its dependent claims 24-26, is moot and should be removed, and that amended claim 21, together with claims 24-26 are in condition for allowance and should be passed to issuance.

Claim 28

Since claim 28 stands rejected for similar reasons as claim 21, and since claim 28 was amended in a similar manner as claim 21, the discussion above with respect to amended claim 21 applies to amended claim 28. As a result, it is submitted that the obviousness rejection of amended claim 28, together with its dependent claims 29-30, is moot and should be removed, and that amended claim 28, together with claims 29-30 are in condition for allowance and should be passed to issuance.

37-39. Claim 27 currently stands rejected for allegedly being obvious in view of the combined subject matter disclosed in the MOST Spec, Jha and Flanders.

Claim 27 depends directly from claim 21, which is patentable for at least the reasons set forth above.

For all the foregoing reasons, reconsideration and allowance of claims 11, 14-21 and 24-30 are respectfully requested.

If a telephone interview could assist in the prosecution of this application, please call the undersigned attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patrick J. O'Shea". The signature is written in dark ink and is positioned above the printed name and address.

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